



# MAYOR AND COUNCIL AGENDA

NO. 9

DEPT.: Community Planning and Development Services  
STAFF CONTACT: Cas Chasten, Planner III

DATE PREPARED: 8/30/05  
FOR MEETING OF: 9/12/05

**SUBJECT:** Adoption of Resolution to enlarge corporate boundaries: Annexation Petition ANX2005-00137, Steven A. & Tracy L. Clark. Petition for annexation of 1.06 acres of land known as 9101 Scott Drive, legally described as Lot 7, Block "A," Potomac High Lands.

**RECOMMENDATION:** Adopt Resolution to enlarge the corporate boundaries of the City of Rockville – to include 1.06 acres of land, more or less, located at 9101 Scott Drive, owned by Steven A. & Tracy L. Clark, placing it into the R-E (Residential Estate) Zone.

**DISCUSSION:** The petitioners request annexation of the referenced property, consisting of a single parcel of land approximately 1.06 acres in size, into the City of Rockville. The parcel is currently improved with a single family detached dwelling. The property is currently served by an on-site private well and septic system. Based on information provided by the petitioners, the septic system serving the residence has failed. Upon annexation, the petitioners plan to eliminate both the private well and septic system and connect to City of Rockville water and sewer services.

The property is currently zoned for Montgomery County's R-200 (Residential, One Family) land usage. The petitioners request that upon annexation the subject property be classified to the R-150 (Medium Density Residential) zone in the City of Rockville. Staff recommends the property be classified to the R-E (Residential Estate) zone, which has a minimum lot size requirement of a minimum of 40,000 square feet, thus comparable to the size of the subject property and consistent with the Comprehensive Master Plan Land Use Map designation of Low Density Detached Residential.

The subject petition has been submitted in accordance with provisions of Article 23A of the Annotated Code of Maryland, which specifies procedures for annexation to a municipal corporation. This law requires the Mayor and Council to introduce a resolution to propose annexation promptly upon being petitioned to do so. In accordance with said provision, the Mayor and Council introduced a resolution to enlarge the corporate boundaries of the City to include the subject property, at its meeting on June 13, 2005. At that meeting, the Mayor and Council also adopted a resolution to provide for a public hearing in connection with the annexation of the subject property.

**Boards and Commissions Review:** Section 25-99 of the City of Rockville Zoning & Planning Ordinance requires the Planning Commission also to hold a public hearing on the request, so that interested persons who wish to speak and/or submit written comments into the official record have an opportunity to do so. The Planning Commission held its public hearing on July 27, 2005. After hearing and considering the information and testimony provided at the Commission's public hearing on this matter, the Commission closed the public hearing and entered into its discussion on the request. After discussing the request, the Commission went back on the record and on a motion by Commissioner Holtz, which was duly seconded by Commissioner Ostell, the Commission voted unanimously to recommend to the Mayor and Council that upon annexation into the City of Rockville

the subject property be zoned for R-E (Residential Estate) land usage. The recommendation was forwarded separately to the Mayor and Council for its consideration. At its August 1, 2005 meeting, the Mayor and Council held a public hearing on the annexation petition. After hearing and considering all of the information and testimony provided, the Mayor and Council closed the public hearing and entered into its discussion on the request. The Mayor and Council concluded its discussion on the request, instructed staff to close the record, and prepare for introduction of the Ordinance to amend the Zoning Map and adoption of the Resolution to enlarge the corporate boundaries of the City to include the petitioners property, placing it into the R-E (Residential Estate) Zone.

**PREPARED BY:**

Cas D. Chasten

Cas Chasten, Planner III

**APPROVED BY:**

R. James Wasilak

R. James Wasilak, Chief of Planning

9-1-05

Date

**APPROVED BY:**

Arthur D. Chambers

Arthur D. Chambers, AICP, Director, CPDS

9/2/05

Date

**APPROVED BY:**

Scott Ullery

Scott Ullery, City Manager

09/05/05

Date

**LIST OF ATTACHMENTS:**

1. Resolution
2. Map

Resolution No. \_\_\_\_\_

RESOLUTION: To enlarge the corporate boundaries of the City of Rockville to include 1.06 acres of land of Steven A. and Tracy L. Clark

WHEREAS, public notice of a resolution to annex property of Steven A. and Tracy L. Clark, totaling 1.06 acres of land, more or less, hereinafter more particularly described, has been published not fewer than two times at not less than weekly intervals in a newspaper of general circulation in the City of Rockville and the area to be annexed, said notice specifying that a public hearing would be held by the Mayor and Council on said resolution at Rockville City Hall, on August 1, 2005, at 7:00 p.m.; and

WHEREAS, the Mayor and Council conducted a public hearing on said resolution at the time and place provided for in said advertisement which hearing was not less than fifteen days after the second publication of the public notice referenced above; and

WHEREAS, an outline for the extension of services and public facilities into the area to be annexed was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission at least thirty days prior to the holding of the scheduled public hearing; and

WHEREAS, immediately after the first publication of the public notice in said newspaper, a copy of that public notice and the Planning Commission Preliminary Report was provided to the County Executive of Montgomery County, Maryland, the Secretary of the State Department of Planning and the Chairman of the Maryland-National Capital Park and Planning Commission; and

WHEREAS, this matter having been considered and deliberated by the Mayor and Council of Rockville, and the Mayor and Council having decided that enactment of this resolution would promote the health, safety and welfare of the City of Rockville.

NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND, as follows:

Section 1. That the corporate limits of the City of Rockville are hereby extended to include the following area, which is hereby added to the City.

LOT 7 – BLOCK “A”  
POTOMAC HIGH LANDS

Being a parcel of land located in the Fourth (4<sup>th</sup>) Election District of Montgomery County, Maryland and being all of the land conveyed by John H. Woodhull, Trustee to Steven A. Clark and Tracy L. Clark by deed dated February 29, 2000 and recorded among the Land Records of Montgomery County, Maryland in Liber 17924 at Folio 709 and also being all of Lot 7, Block “A” as delineated on a Subdivision Record Plat entitled “Potomac High Lands” as recorded among the aforesaid Land Records as Plat No. 2952 and being more particularly described in said Plat Datum by Macris, Hendricks & Glascock, P.A. as follows:

Beginning at a point on the northerly right-of-way limits of Scott Drive (60’R/W), said point being the common front corner of Lots 6 and 7, Block A, then leaving said Scott Drive and binding with the common line between said Lots 6 and 7

1. North 08°15’00” East, 252.88 feet to a point, said point being the common rear corner of the said Lots 6 and 7, Block A, then binding with the northerly platted limits of the said Lot 7, Block “A”

2. South 81°45'00" East, 159.40 feet to a point, then binding with the easterly platted limits of said Lot 7 and the westerly platted limits of Lot 4 as delineated on a Plat of Corrections entitled "Rock Falls" and recorded among the aforesaid Land Records as Plat No. 17480 then binding with said common line
3. South 02°24'47" West, 281.59 feet to a point, said point being on the aforesaid northerly right-of-way limits of Scott Drive, then binding with said right-of-way limits
4. North 73° 31'00" West, 190.00 feet to the point of beginning; containing 1.06 acres of land.

Section 2. That all territory hereby annexed to the City of Rockville and the persons residing thereon shall, after the effective date of this resolution, be subject to the Charter, laws, ordinances and regulations of said City.

Section 3. That as soon as the annexation provided by this resolution shall become effective, the Mayor shall promptly register both the original boundaries and the new boundaries of the City with the City Clerk of Rockville, with the Clerk of the Circuit Court for Montgomery County, Maryland, with the Maryland-National Capital Park and Planning Commission, and shall send, or cause to be sent, separately by certified mail, return receipt requested, one copy of this resolution to the Department of Legislative Reference.

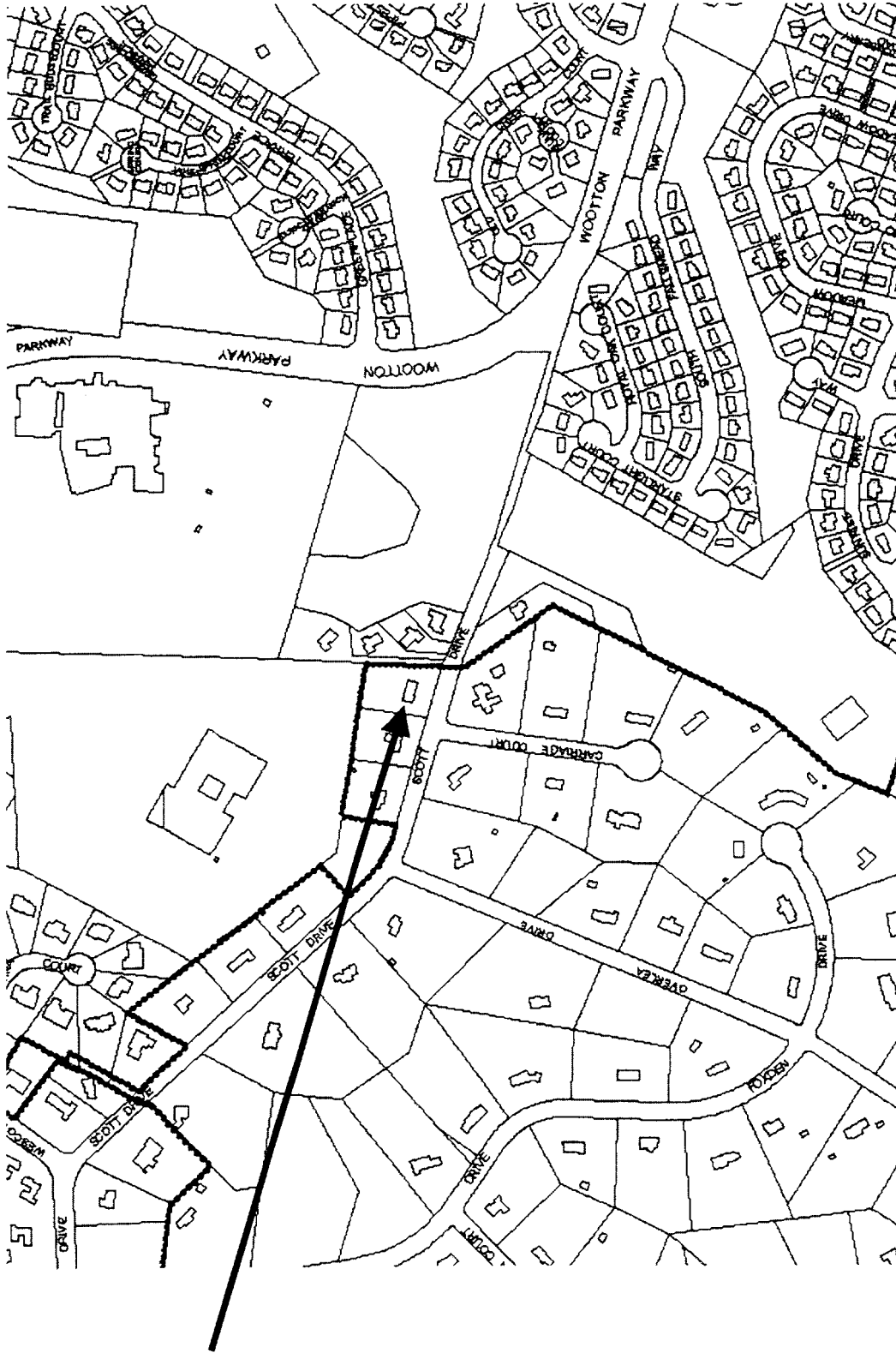
\* \* \* \* \*

I hereby certify that the foregoing is a true and correct copy of a resolution adopted by the Mayor and Council of Rockville at its meeting of \_\_\_\_\_.

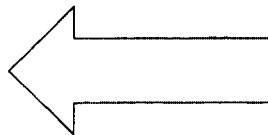
\_\_\_\_\_  
Claire F. Funkhouser, CMC, City Clerk

ANX2005-00137

9101 Scott Drive



SITE



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